

State of Connecticut
Department of Administrative Service
State Marshal Commission
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W. Martyn Philpot, Jr., Esq.
Chairperson

Robert Giuditta
Interim Administrative Manager

Minutes
STATE MARSHAL COMMISSION SPECIAL MEETING
June 8, 2015

Members present: W. Martyn Philpot, Jr., Esq., Michael Cronin, Esq., Mildred Torres-Ferguson, Sarah Fryxell, Esq., by teleconference call, and Robert P. LaTorraca, by telephone conference call; Also present were Ex-Officios Lisa Stevenson and Thomas Burke, by telephone conference call (non-voting members), Interim Administrative Manager Robert Giuditta, Staff Attorney Jennifer Y. Montgomery and Paralegal Specialist Laura M. DiMeola. Hon. Elizabeth A. Bozzuto, Vincent Mauro, Jr. and Joel I. Rudikoff, Esq. were not present.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:42 p.m.

First Business:

1. Minutes

W. Martyn Philpot, Jr. Esq. asked for a motion to approve the minutes of the April 28, 2015 meeting. The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to adopt said minutes.

Old Business

2. State Marshal Commission Staffing

Robert Giuditta introduced the Commission's new Paralegal Specialist, Laura DiMeola, and indicated that she will be primarily focused on assisting Staff Attorney Jennifer Y. Montgomery with addressing the backlog of complaints and taking in new complaints. W. Martyn Philpot, Jr., Esq. gave a warm welcome on behalf of the Commission.

3. Annual Client Fund Reports

Robert Giuditta reported that all but three of the annual client fund reports have been submitted, and he further indicated that internal complaints have been initiated against the three state marshals who have not complied. Michael Cronin, Esq. inquired about the names of the three who did not submit their reports. Mr. Giuditta indicated that they were Gerald Cappiello, Jr., Dominic DiFiore and Margaret LaBranche.

New Business

4. Attorney General Opinion dated March 27, 2015

Attorney Montgomery summarized the March 27, 2015 Attorney General Opinion. She indicated that this opinion was a response to a series of questions submitted to the Attorney General's Office by the State Marshal Commission. These questions were initially raised by State Marshal Barbara Coffey. Attorney Montgomery indicated that the requests had to do with fees (in particular, charging fees for service of multiple copies served in a service of process). She indicated that the Attorney General issued an

answer on the fee question, stating that this practice was acceptable if pursuant to a valid court order. Regarding the question of whether or not a state marshal could charge fees not authorized under statute, the Attorney General clearly indicated a state marshal may not enter a client agreement to override statutory fees or the types of fees a state marshal can charge beyond what is set forth in the statute. Finally, Attorney Montgomery raised as of particular importance the question of whether or not a state marshal can charge fees for the recording of a notice of lis pendens. The Attorney General declined to advise whether or not a state marshal can form a corporation to record such notices and charge fees for recording outside of their state marshal business. Attorney Montgomery expressed that whether a state marshal can do this is fact specific and indicated that the Commission staff is going to be addressing this on an ongoing basis.

W. Martyn Philpot, Jr., Esq. asked for a motion to amend the agenda to add a new item upon the request of Robert Guiditta. The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to amend the agenda to permit Mr. Guiditta to address the Commission on an additional item concerning former State Marshal Charles Valentino.

Mr. Guiditta summarized a recent news article, outlining the recent arrest and alleged charges pending against former State Marshal Valentino. He indicated that the Commission is cooperating with the investigation. Attorney Montgomery indicated that this is an ongoing investigation and indicated that the Commission Office has been cooperating with the Office of the State's Attorney.

W. Martyn Philpot, Jr., Esq. then asked for a motion to enter executive session. The Commission, after a motion by Mildred Torres-Ferguson seconded by Michael Cronin, Esq., voted 5-0 to enter executive session. The individuals present included those listed above.

The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to return to the public record. No votes were taken in executive session.

5. State Marshal Appointment

Michael Cronin, Esq. made a motion to increase the state marshal vacancies in Fairfield County from 5 to 6, Hartford County from 4 to 7, New Haven County from 5 to 10, and Tolland County from 2 to 3.

The Commission, after a motion by Michael Cronin, Esq. seconded by Robert P. LaTorraca, voted 5-0 to increase the state marshal vacancies, as proposed.

W. Martyn Philpot, Jr. Esq. asked for motion to approve the state marshal applicants proposed by the respective interview committees to move forward to the training phase of the appointment process. The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to approve the proposed state marshal applicants.

6. Complaints

The Commission, after a motion by Michael Cronin, Esq. seconded by Robert P. LaTorraca, voted 5-0 to find probable cause in the below noted files and assign them to an Oversight Committee for hearings:

File No.	Name
13-59	In re Pesiri
14-28	Reinken/Cappiello, Jr.

The Commission, after a motion also made by Michael Cronin, Esq. and seconded by Mildred Torres-Ferguson, voted 5-0 to dismiss the following files:

File No.	Name
14-02	Shahid/Barnes
14-16A	Townsend/Barnes
14-16B	Townsend/Byrk
14-17	Ovesny/Cappiello, Jr.
14-29	Vasquez/Heap

7. Capias Unit/Firearms

The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to accept the psychological exam of State Marshal Brian Wright of Hartford County and to permit him to proceed to firearms training to carry a firearm in both his capias and non-capias state marshal work.

8. Non-Capias Unit Firearms

The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to deny State Marshal Mark A. Pesiri's request to carry a firearm subsequent to his resignation from the Capias Unit pursuant to File No. 14-44.

9. Reinstatement from Inactive Status

The Commission, after a motion by Michael Cronin, Esq. seconded by Mildred Torres-Ferguson, voted 5-0 to reinstate State Marshal Louis Aresco to active status.

Attorney Montgomery asked if she could read the names of the state marshal applicants moving forward to the training phase into the record pursuant to Item No. 5 of the agenda. She then read them by county, as follows:

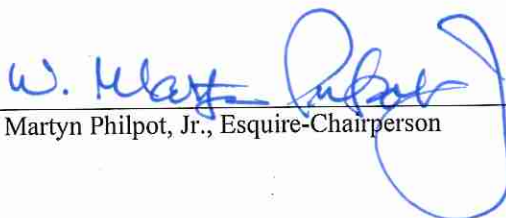
County	Name
Fairfield	Heather Goulet
	Willard Kemp
	Kenneth Lombardi
	James Lynch
	Edwin Olavarria
	Christopher Paoletti
Hartford	Phyllis Airey
	Anthony Cipriano
	William Colon
	Sandra Couture
	Charles Dingle
	John O'Leary
	Alixes Rosado
New Haven	Frank Alvarado
	Jeffrey Balletto
	John Barbieri
	Marlon Boyd
	Richard Claxton
	Edmond Cullinan

	Susan Dercole
	Brian Mezick
	Wanda Reiff
	David Salafia
Litchfield	Jessica Brown
	Mark Raimo
Middlesex	Douglas Harkins
	Keith St. John
New London	Courtland Hall
	Nicolas Poppiti
	Daniel Reynolds
	Louis Sullivan
Tolland	Richard Grimaldi
	Peter Meshanic
	Kevin McCrewell
Windham	Kathleen Doherty
	Kevin Wakely

State Marshal Thomas Burke then made the Commission aware that State Marshal Joseph Heap had an unfortunate fall several weeks ago. Marshal Burke told the Commission that Marshal Heap has served on numerous committees and the Advisory Board, of which he is the current Secretary, and he has testified on behalf of the state marshals at the Legislature. W. Martyn Philpot, Jr., Esq. indicated that the Commission expressed speed to him in terms of his recovery. Marshal Burke thanked the Commission and indicated he would express this to Marshal Heap.

The Commission, after a motion by Michael Cronin, Esq. seconded by Robert LaTorraca, voted 5-0 to adjourn the meeting at 5:37 p.m.

Minutes were approved by the Commission on June 25, 2015.


 W. Martyn Philpot, Jr., Esquire-Chairperson